

### **REMARKS**

This responds to the Office Action mailed on July 20, 2007.

Claims 1 and 6 are amended, no claims are canceled or added; as a result, claims 1-18 remain pending in this application.

#### **§102 Rejection of the Claims**

1. Claims 1-3, 5-8, 10-12 and 14-17 were rejected under 35 U.S.C. § 102(b) for anticipation by Smith (U.S. 5,701,511).

#### **Concerning claims 1, 6, 10, and 15**

Applicant respectfully submits that one or more elements of these independent claims are not disclosed by the cited reference. In particular, Applicant cannot find in the cited portions of Smith, any disclosure of “a gaming machine configured to conduct a wagering game” as presently required by claim 1 and similarly required and recited in claim 6. Instead, Smith merely discloses a “personal computer system 10 [] suitable for both creating a multimedia work in which the present invention is implemented and in paying back the multimedia work after it has been stored on a CD-ROM.” Smith at col. 4, lines 8-11. Moreover, Smith goes on to describe the personal computer 10 as “in all respects [] generally conventional in design and in the components comprising it.” Smith at col. 4, lines 14-16. Apparently Smith’s personal computer 10 is designed and configured for personal or home use, and is not a specific-purpose machine, such as Applicant’s gaming machine.

Moreover, Applicant cannot find in the cited portions of Smith, any disclosure of “initiating a wagering game-related event” as presently required by claim 1 and similarly required and recited in claims 6, 10, and 15. Instead, Smith apparently merely briefly discusses “enabling CPU 23 to reference the portion of the audio data currently playing so that a corresponding other portion of the multimedia work will execute concurrently.” Smith at col. 6, lines 21-23. Smith does not describe “other portion” or “multimedia work” in any further detail within the paragraph and clearly does not disclose the “other portion” or “multimedia work” being “a wagering game-related event,” as required in Applicant’s claims.

Moreover, Applicant cannot find in the cited portions of Smith, any disclosure of “storing an audio file associated with the wagering game in a memory structure” as presently required by claim 10 and similarly required and recited in claim 15. Instead, Smith apparently does not disclose or describe any storage any type of file, audio or other, associated with a wagering game, as Smith does not disclose or describe wagering games or wagering gaming in general.

In sum, because the cited portions of the references do not disclose or describe all of the subject matter of independent claims 1, 6, 10, and 15, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

Concerning dependent claims 2, 3, 5, 7, 8, 11, 12, 14, 16, and 17

The dependent claims 2, 3, 5, 7, 8, 11, 12, 14, 16, and 17 depend from independent claims 1, 6, 10, and 15, either directly or indirectly, and accordingly incorporate the limitations of each of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

§103 Rejection of the Claims

2. Claims 4, 9, 13 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Sato et al. (U.S. 5,588,096), hereafter Sato.

The dependent claims 4, 9, 13 and 18 depend from independent claims 1, 6, 10, and 15, either directly or indirectly, and accordingly incorporate the limitations of each of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests withdrawal of this basis of rejection of these claims.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2134 to facilitate prosecution of this application.

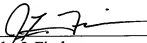
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 20 Dec 2007

By

  
John I. Fischer  
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Date of Deposit: December 20, 2007

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature